

Congress of the United States
Washington, DC 20515

October 6, 2009

1669

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Dear Chairman Genachowski:

As you know, Section 331 of the Communications Act was written to provide opportunities for states, like New Jersey, that do not have commercial VHF television channels allotted to them. It is my understanding that this provision requires the FCC to reallocate a commercial VHF channel to such a state if a licensee of a commercial VHF station provides proper notification. The last time that Section 331 was invoked, the Commission was able to reallocate the channel within three months of the filing of the notification.

Recently, I was contacted by PMCM TV, a group eager to relocate a station to New Jersey with the goal of providing local programming and creating jobs for communities in my state. On June 15, 2009, PMCM TV filed notifications with the FCC advising that it intends to move a commercial VHF television station to the state of New Jersey.

I ask that you closely review this proposal and act swiftly in responding to PMCM TV's notification. Thank you for your attention to this matter. I look forward to an update on the status of this proceeding.

Sincerely,


FRANK PALLONE, JR.
Member of Congress


RUSH HOLT
Member of Congress

CC: Commissioner Michael J. Copps
Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 25, 2009

The Honorable Frank Pallone, Jr.
U.S. House of Representatives
237 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Pallone:

Thank you for your letter regarding the application filed with the Commission by PMCM TV concerning the proposed move of a commercial television broadcast station to New Jersey pursuant to Section 331 of the Communications Act of 1934, as amended. I appreciate the opportunity to update you regarding the status of this matter.

Section 331 of the Communications Act generally requires that the Commission "allocate channels for very high frequency (VHF) commercial television broadcasting in a manner which ensures that not less than one such channel shall be allocated to each State, if technically feasible." Section 331 also directs the Commission to issue a license to any existing VHF commercial television broadcasting licensee "that will agree to the reallocation of its channel to a community within a State in which there is allocated no VHF commercial television broadcast channel." Pursuant to these provisions, PMCM TV, the licensee of KVVN(TV), a VHF commercial television broadcast station, notified the Commission that it would agree to the reallocation of its channel from Ely, Nevada, to Middletown Township, New Jersey.

The PMCM TV proposal to relocate KVVN from Nevada to New Jersey is under review in the Commission's Media Bureau. The Bureau staff has observed that the Engineering Statement that accompanied the PMCM TV application indicates that the KVVN tower site and transmitter would be located in New York City. Given the limited availability of broadcast spectrum in the New Jersey/New York City area, the Bureau currently is conducting technical studies to satisfy the requirements of Section 331. The Bureau anticipates that it will complete its analysis of the PMCM TV proposal in the near future.

I appreciate learning your views on this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,


Julius Genachowski
Chairman



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 25, 2009

OFFICE OF
THE CHAIRMAN

The Honorable Rush Holt
U.S. House of Representatives
1214 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Holt:

Thank you for your letter regarding the application filed with the Commission by PMCM TV concerning the proposed move of a commercial television broadcast station to New Jersey pursuant to Section 331 of the Communications Act of 1934, as amended. I appreciate the opportunity to update you regarding the status of this matter.

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I appreciate learning your views on this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski", written over a horizontal line.

Julius Genachowski
Chairman